

IN THE SENATE

SENATE BILL NO. 1161

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE ELECTRONIC RECORDING COMMISSION; AMENDING SECTION 31-2905, IDAHO CODE, TO PROVIDE FOR LOCATION OF THE COMMISSION IN THE OFFICE OF THE SECRETARY OF STATE AND TO PROVIDE A CERTAIN DUTY OF THE COMMISSION MEMBERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-2905, Idaho Code, be, and the same is hereby amended to read as follows:

31-2905. COMMISSION CREATED – OFFICERS – STANDARDS. (1) An electronic recording commission consisting of seven (7) members appointed by the governor is hereby created in the office of the secretary of state to adopt standards to implement this chapter. A majority of the members of the commission must be recorders, and at least one (1) member shall be a representative from the title insurance industry. The governor shall appoint three (3) members, each for a term of two (2) years; two (2) members, each for a term of three (3) years; and two (2) members each for a term of four (4) years. Thereafter, the term of office shall be four (4) years. Vacancies in any unexpired term shall be filled by appointment by the governor for the remainder of the unexpired term.

(2) The commission shall annually elect a chairman and a secretary-treasurer from among its members. The commission shall meet regularly at least once each year, and at such other times as called by the chairman or when requested by two (2) or more members of the commission.

(3) To keep the standards and practices of recorders in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially this uniform act and to keep the technology used by recorders in this state compatible with technology used by recording offices in other jurisdictions that enact substantially this uniform act, the electronic recording commission, so far as is consistent with the purposes, policies and provisions of this chapter, shall adopt, amend or repeal standards, taking into account the following considerations:

(a) Standards and practices of other jurisdictions;

(b) The most recent standards promulgated by national standard-setting bodies, such as the property records industry association;

(c) The views of interested persons and governmental officials and entities;

(d) The needs of counties of varying size, population and resources; and

(e) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved and resistant to tampering.

(4) The commissioners shall appoint one (1) of their members to serve as a liaison to the property records industry association (PRIA) in order to stay informed of technological changes relative to electronic recordings and the standards of other jurisdictions.